



Enrollment and School Placement Dispute Resolution Procedures

Pursuant to programs administered under the McKinney-Vento Education for Homeless Children and Youth Act

This document addresses the requirements of 42 USC § 11432(g)(1)(C) for resolving disputes applicable to enrollment or school placement for homeless children as covered by McKinney-Vento.

PART 1: As required by 42 USC § 11432(g)(1)(C), school corporations will adopt written procedures for the receipt and resolution of complaints alleging violations of law with regards to enrollment and school placement as covered by the McKinney-Vento Act. Therefore, for disputes originating at the local level, a request for appeal or resolution of an enrollment or placement dispute should not be filed with the Indiana State Board of Education until every effort has been made to resolve the issue through local written enrollment and school placement dispute resolution procedures. If a dispute arises over enrollment or school placement:

- (A) the child or youth must be immediately enrolled in the school requested by the individual or organization submitting the complaint;
- (B) the parent or guardian of the affected student(s) must be provided a written explanation of the school's decision regarding school selection or enrollment, including the rights of the parent, guardian, or youth to appeal the decision;
- (C) the child, youth, parent, or guardian must be referred to the McKinney-Vento Liaison for the corporation, who shall carry out the dispute resolution process as expeditiously as possible after receiving notice of the dispute; and
- (D) in the case of an unaccompanied youth, the homeless liaison shall ensure that the youth is immediately enrolled in school pending resolution of the dispute.

PART 2: As required by Indiana Code 20-8.1-6.1-10, the Indiana State Board of Education will hear all appeals on an order expelling a child under IC 20-8.1-5.1-11 (legal settlement), in addition to all disputes on (1) legal settlement; (2) right to transfer; (3) right to attend school in any school corporation; (4) amount of transfer tuition; and (5) any under matter arising under IC 20-8.1-6.1 (Transfers and Transfer Tuition).

- (A) The party requesting an appeal or resolution of a dispute by the State Board of Education will submit a request in writing to the State Board Liaison at the Indiana Department of Education.

(B) The Board shall hold a hearing on the timely written application of the interested party.

(C) The Board shall make its determination under the following procedure:

- a. A hearing shall be held on each matter presented.
- b. Each interested party, including (where appropriate) the parents, student, transferor corporation, transferee corporation, or the state, shall be given at least ten (10) days notice of the hearing by certified mail or personal delivery. The date of giving the notice is the date of mailing or delivery.
- c. Any interested party may appear at the hearing in person or by counsel, present evidence, cross-examine witnesses, and present in writing or orally summary statements of position, and a written or recorded transcript of the hearing shall be made.
- d. The hearing may be held by the Indiana State Board of Education or by a hearing examiner appointed by it who must be a state employee. The hearing, at the option of the State Board of Education or hearing examiner, may be held at any place in Indiana.

PART 3: The State Coordinator for the Education for Homeless Children and Youth Program will provide technical assistance to interested parties and the State Board as requested and as necessary.

PART 4: The Indiana State Board of Education or hearing examiner (as identified in Part 2, section (C)(d), above) shall make written findings of fact and recommendations. The determination of the Indiana State Board of Education shall be made on the basis of record, summaries, and findings, but it is required to examine only those parts of the entire record as it deems necessary.

PART 5: A notice of the Board's determination shall be mailed to each party by certified mail. No action to contest the validity of the decision may be instituted at any time later than thirty (30) days after the mailing of the notice.

PART 6: The determination of the Indiana State Board of Education as a result of the proceedings described above is final and binding on the parties to the proceeding.

ATTACHMENTS: 42 USC § 11432(g)(1)
Indiana Code 20-8.1-6.1-10

United States Code

Title 42 Chapter 119 Subchapter VII Part B § 11432(g)(1)

(g) State plan

(1) In general

Each State shall submit to the Secretary a plan to provide for the education of homeless children and youths within the State. Such plan shall include the following:

- (A)** A description of how such children and youths are (or will be) given the opportunity to meet the same challenging State academic achievement standards all students are expected to meet.
- (B)** A description of the procedures the State educational agency will use to identify such children and youths in the State and to assess their special needs.
- (C)** A description of procedures for the prompt resolution of disputes regarding the educational placement of homeless children and youths.
- (D)** A description of programs for school personnel (including principals, attendance officers, teachers, enrollment personnel, and pupil services personnel) to heighten the awareness of such personnel of the specific needs of runaway and homeless youths.
- (E)** A description of procedures that ensure that homeless children and youths who meet the relevant eligibility criteria are able to participate in Federal, State, or local food programs.
- (F)** A description of procedures that ensure that—
 - (i)** homeless children have equal access to the same public preschool programs, administered by the State agency, as provided to other children in the State;
 - (ii)** homeless youths and youths separated from the public schools are identified and accorded equal access to appropriate secondary education and support services; and
 - (iii)** homeless children and youths who meet the relevant eligibility criteria are able to participate in Federal, State, or local before- and after-school care programs.
- (G)** Strategies to address problems identified in the report provided to the Secretary under subsection (f)(3) of this section.
- (H)** Strategies to address other problems with respect to the education of homeless children and youths, including problems resulting from enrollment delays that are caused by—
 - (i)** immunization and medical records requirements;
 - (ii)** residency requirements;
 - (iii)** lack of birth certificates, school records, or other documentation;
 - (iv)** guardianship issues; or
 - (v)** uniform or dress code requirements.
- (I)** A demonstration that the State educational agency and local educational agencies in the State have developed, and shall review and revise, policies to remove barriers to the enrollment and retention of homeless children and youths in schools in the State.
- (J)** Assurances that—
 - (i)** the State educational agency and local educational agencies in the State will adopt policies and practices to ensure that homeless children and youths are not stigmatized or segregated on the basis of their status as homeless;
 - (ii)** local educational agencies will designate an appropriate staff person, who may also be a coordinator for other Federal programs, as a local educational agency liaison for homeless children and youths, to carry out the duties described in paragraph (6)(A); and
 - (iii)** the State and its local educational agencies will adopt policies and practices to ensure that transportation is provided, at the request of the parent or guardian (or in the case of an unaccompanied youth, the liaison), to and from the school of origin, as determined in paragraph (3)(A), in accordance with the following, as applicable:
 - (I)** If the homeless child or youth continues to live in the area served by the local educational agency in which the school of origin is located, the child's or youth's transportation to and from the school of origin shall be provided or arranged by the local educational agency in which the school of origin is located.

(II) If the homeless child's or youth's living arrangements in the area served by the local educational agency of origin terminate and the child or youth, though continuing his or her education in the school of origin, begins living in an area served by another local educational agency, the local educational agency of origin and the local educational agency in which the homeless child or youth is living shall agree upon a method to apportion the responsibility and costs for providing the child with transportation to and from the school of origin. If the local educational agencies are unable to agree upon such method, the responsibility and costs for transportation shall be shared equally.

Indiana Code 20-8.1-6.1-10

Determination by the Indiana state board of education

Sec. 10. (a) The Indiana state board of education shall hear the following:

- (1) All appeals from an order expelling a child under IC 20-8.1-5.1-11.
- (2) All appeals provided in this chapter.
- (3) All disputes on the following:
 - (A) Legal settlement.
 - (B) Right to transfer.
 - (C) Right to attend school in any school corporation.
 - (D) Amount of transfer tuition.
 - (E) Any other matter arising under this chapter.

The board shall hold a hearing on the timely written application of any interested party.

(b) The Indiana state board of education shall make its determination under the following procedure:

- (1) A hearing shall be held on each matter presented.
 - (2) Each interested party, including where appropriate, the parents, the student, the transferor corporation, the transferee corporation, or the state, shall be given at least ten (10) days notice of the hearing by certified mail or by personal delivery.
 - (3) The date of giving the notice is the date of mailing or delivery.
 - (4) Any interested party may appear at the hearing in person or by counsel, present evidence, cross-examine witnesses, and present in writing or orally summary statements of position.
 - (5) A written or recorded transcript of the hearing shall be made.
 - (6) The hearing may be held by the Indiana state board of education or by a hearing examiner appointed by it who must be a state employee.
 - (7) The hearing, at the option of the Indiana state board of education or hearing examiner, may be held at any place in Indiana.
 - (8) The hearing examiner shall make written findings of fact and recommendations.
 - (9) The determination of the Indiana state board of education shall be made on the basis of the record, summaries, and findings, but it is required to examine only those parts of the entire record as it deems necessary.
- (c) The hearing and proceedings are not governed by IC 4-21.5.
- (d) The determination of the Indiana state board of education is final and binding on the parties to the proceeding.
- (e) A notice of the board's determination shall be mailed to each party by certified mail. No action to contest the validity of the decision may be instituted at any time later than thirty (30) days after the mailing of the notice.
- As added by Acts 1976, P.L.101, SEC.10. Amended by P.L.20-1984, SEC.99; P.L.7-1987, SEC.96; P.L.135-1988, SEC.11; P.L.36-1994, SEC.33; P.L.131-1995, SEC.11; P.L.119-1996, SEC.12.*